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CALIFORNIA BUILDING  
STANDARDS COMMISSION

May 9, 2008

Ms. Rosario Marin  
Chair  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Re: Express Terms for Proposed Building Standards of the Office of the State Fire Marshall (SFM) Regarding the 2007 California Fire Code, California Code of Regulations Title 24, Part 9

Dear Chair Marin:

We are writing in support of the aforementioned Express Terms being proposed by the SFM to be included in Section 443 of the 2007 California Building Code. In this section of the Code, the L-Occupancy provides important controls and safety provisions for research and development laboratories containing specific quantities of hazardous materials in the State of California. The L-Occupancy is critical to the ongoing growth and development of the biotechnology industry in California.

Arena is a high-growth, clinical-stage biopharmaceutical company located in San Diego with over 400 employees. We are focused on discovering, developing and commercializing innovative oral drugs for patients with serious diseases and disorders, such as obesity and insomnia. As such, we need maximum flexibility in our research and development laboratory facilities that use various quantities of hazardous materials...

Having the option to use the L-occupancy available as we expand our laboratory facilities is critical to meeting our long term expansion needs. Therefore, clarifying and codifying the L-Occupancy in the 2007 California Building Code for use as needed will ensure that our expanded facilities are developed with the best controls and safety provisions needed based on the quantities and use of hazardous materials.

The biotechnology industry is a quickly evolving industry that requires a broad range of biological and chemical work to be performed in a laboratory environment. These facilities are best located in proximity of major research institutions in both the Bay Area – such as UCSF, and in Southern California – such as UCSD and The Salk Institute. Researchers at educational institutions such as UCSF are also performing similar type of experimental activities.

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Credible parties who we have worked with extensively believe that the State Fire Marshall has the authority to propose these code amendments as described in the California Health and Safety Code Section 18949.2(b). The State is well served by the work that the State Fire Marshall has done in ensuring that laboratory facilities that use larger quantities of hazardous materials throughout the State of California are built to the same safe standards. Laboratories that use minimal quantities of hazardous materials, such as basic microbiology and tissue culture labs, should still have the option to be designed under the new B-occupancy, as they only use very limited quantities of hazardous materials.

We are supportive of the extensive and inclusive process created by the State Fire Marshall's Office in the development of the L-Occupancy. It has been a very positive, constructive process that has addressed all the issues and included representatives of industry and regulatory organizations from across the State. We want to thank State Fire Marshall Kate Dargan, Chief Tonya Hoover, and their staff for their leadership in this important endeavor.

We heartily endorse these Express Terms as they serve to expand construction options for research and development laboratories and, when necessary, to enhance the safety measures and controls that will ensure safe operations.

We appreciate your consideration of our request and please contact me at [tghio@arenapharm.com](mailto:tghio@arenapharm.com) or (858) 453-7200 Ext. 1340 should you have any questions or required additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Terese M. Ghio". The signature is fluid and cursive, with the first name "Terese" being more prominent.

Terese M. Ghio  
Vice President, Government Relations  
Arena Pharmaceuticals